

GERALDINE A. REILLY
CHAIRMAN

MICHAEL T. GREASON
RANDALL T. DOUGLAS
JUNE F. O'NEILL
MARILYN P. O'MARA
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Unemployment Insurance Appeal Board

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TRACIE L. COVEY
CHIEF ADMINISTRATIVE LAW JUDGE

JUSTIN DENTON
MARK R. SOKOLOWSKI
CHRISTOPHER M. TATE
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Board Meeting Draft Minutes

Date: Wednesday, January 18, 2023

Location: Menands, NY

Present:

Geraldine A. Reilly, Chair

Randall T. Douglas, Member (via videoconference from Plattsburgh, NY)

Michael T. Greason, Member (via videoconference from Brooklyn, NY)

Marilyn P. O'Mara, Member

June F. O'Neill, Member (via videoconference from Canton, NY)

Tracie Covey, Chief Administrative Law Judge (via videoconference from Syracuse, NY)

Christopher M. Tate, Principal Administrative Law Judge

Agenda:

1. Call to Order
2. Roll Call
3. Reading and adoption of Proposed Resolution 2022-01
4. Additional Roll Call
5. Welcome
6. Reading and adoption of agenda
7. Reading and adoption of minutes – July 20, 2022, meeting
8. Chief Administrative Law Judge's report
9. Principal ALJ for Appeals' Report
10. Other
11. Adjourn

○ **Call to Order**

- Board Chair Geraldine Reilly began her remarks by welcoming all attending and those watching remotely, to this meeting of the New York State Unemployment Insurance Appeal Board, which was the first meeting of 2023. She added that she was located at the Board's Headquarters in Menands, New York.
- The meeting was noticed, the draft agenda published, the minutes from the previous, July 20, 2022, meeting had been circulated to the members, and the public had been invited to observe in real time. This meeting was recorded and will be made available, along with the minutes on the UIAB website, <https://uiappeals.ny.gov>
- Chair Reilly expressed her gratitude to all of those who have supported the work of the Board in addressing the many tasks that they faced, including the staff and leadership of all UIAB offices and her colleagues on the Board for their work, encouragement, and support.
- Reilly noted that this was the first meeting of 2023; and she acknowledged the myriad innovations which this year will bring. These exciting projects will be discussed during the executive presentations, but she assured those present that 2023 will be a year of technological innovation—which will change many aspects of how the UIAB completes its work, all in the interest of serving customers and employees in a smarter and better way.
- Chair Reilly added that it is her hope that this consistent schedule of Board meetings presents a Board that is proactive and accessible-- and a Board which aggressively addresses the 21st century challenges, and that the UIAB address those tasks with optimism and confidence in the skill and effort of its many talented employees.
- Chair Reilly went on to say that each Board Member, and each staff member is serious and interested—industrious and engaged in their approach to the important work done at the UIAB, and she sincerely thanked them for that.
- Reilly also wanted to acknowledge and thank Chief Administrative Law Judge Tracie Covey, who is based in Syracuse, and who has worked tirelessly to advance the Board and its Mission. Tracie has assumed this role in a time of pandemic crisis and has led the Board judiciously since.
- Chair Reilly also thanked Principal ALJ for Appeals Christopher Tate, who was present in Menands, for his work in these very trying times.
- Reilly continued by thanking Melissa Sousa for taking minutes, and Caitlin Smith, and Amy Higby who assisted with technology for this meeting.
- Board Chair Reilly provided an overview of the meeting agenda, explaining that all members present in locations accessible to the general public would be asked to vote on Proposed Resolution 2022-01 regarding UIAB compliance with the Open Meeting Law to allow remote participation of Board Members in certain circumstances. She added that this resolution has been posted to the UIAB website and distributed to

Board Members, and after the resolution passes any remote members may join the meeting after a new roll call recording the attendance of the new voting quorum.

- Chair Reilly took a moment before she called the meeting to order to remind members, staff, and the public that the next public meeting of the Board will be held on Wednesday, April 19, 2023, at 11:00 a.m.
- The meeting was called to order at 11:04 a.m.
- **Roll Call**
 - Attendance was taken. A voting quorum was present.
- **Reading and Adoption of Proposed Resolution 2022-01**
 - Member Michael Greason moved to waive the reading and to adopt the resolution
 - Member Randall Douglas seconded the motion
 - Motion to suspend the reading and adoption of the resolution unanimously approved
- **Additional Roll Call**
 - Member June O'Neill – Present, Canton, NY
- **Welcome**
- **Reading and adoption of the agenda**
 - Member Marilyn O'Mara moved to accept the agenda
 - Member June O'Neill seconded the motion
 - Motion to accept agenda adopted unanimously
- **Reading and Adoption of the minutes, from the July 20, 2022, Board Meeting**
 - Member Michael Greason moved to waive the reading and to adopt the minutes
 - Member Marilyn O'Mara seconded the motion
 - Motion to suspend reading and adoption of the minutes unanimously approved
- **Chief Administrative Law Judge's Report - Tracie Covey**
 - Technology:
 - The Unemployment Insurance System Improvement Modernization or "UISIM" has an anticipated "go live" date of November 2023. UIAB subject matter experts, led by BSA 3 Kathy Gangaware, continue to work diligently with the third-party vendor TCS designing and testing the system. In the next few weeks, we hope to start seeing demos of the system's functionality. UIAB SMEs will

also be engaged in train the trainer sessions with the vendor in the first half of this year.

- The estimated completion date of a new IVR (internet voice response) telephone system is next month. When implemented, the UIAB will have one main number for people to call. It will have an automated menu that interacts with callers and connects with the appropriate staff person who can help with their question or issue. This should help to centralize operations, distribute work more efficiently statewide, and respond to calls more quickly.
- CALJ Covey was happy to report that the UIAB has begun work on a virtual hearing system. This will use WebEx technology with a front-end application that schedules and allows individuals to participate in video conference hearings. So, instead of receiving a phone call, parties will be able to log in to an online system and see UIAB ALJs and the other parties during the hearing. The anticipated completion of this project is June 2023.
- The UIAB also recently finished the digitalization of its library of Appeal Board decisions. All pre-2008 cases, which were only kept in paper format, have been scanned and converted to pdf. These will be available through an internal archive later this year.
- Staffing News:
 - The UIAB judicial and administrative staffing level is presently at 111 employees. The UIAB lost several judicial staff to retirements and other agencies within the last year and are in the process of interviewing candidates for eight open ALJ positions (four in Menands, three in Brooklyn, one in Hauppauge). The UIAB hopes to have the new class brought on board by March of 2023. We anticipate posting additional ALJ positions in other offices in the upcoming months. The UIAB has also lost some administrative staff through attrition and continue to post and fill those positions as needed.
- Agency Statistics:
 - Despite our best efforts, the UIAB is still not in compliance with USDOL acceptable level of performance markers. On a positive note, case age continues to decrease. The validated data as of November 2022 shows that the Lower Authority average case age was 31.23 days, very close to the 30-day acceptable level of performance.
 - The UIAB is also still not meeting compliance standards with 30 and 45-day time lapse markers but these numbers are also trending in the right direction. In the 4th Quarter 2022, approximately 20% of cases were decided within 30 days and 64% of cases were decided within 45 days.
 - The UIAB is also still out of compliance with USDOL acceptable level of performance standards for the Higher Authority but again, case age is decreasing. Validated data for November 2022 shows that the average case

age was 49.93, which is above the 40-day USDOL marker (but a decrease from the 51 days that was last reported). The case age and overall inventory at the higher authority has been decreasing quickly due to all your hard work. So, thank you all.

- QA/FQR:
 - CALJ Covey reported that for the 3rd quarter of 2022, UIAB ALJs' average grade was an amazing 99.15%. At this time, the UIAB is considered a large volume state, so 40 randomly selected cases are audited each quarter. All cases achieved the U.S. Department of Labor's passing grade of 85% or better, easily surpassing the acceptable level of performance related to the quality of work of the UIAB. None of the cases had critical element failures and twenty-five of the 40 hearings scored had perfect scores of 100. This is yet another continuing example of UIAB judges' excellence in providing due process to the parties before them.
- Chair Reilly asked for questions or comments
 - Member Randall Douglas thanked Chief ALJ Tracie Covey for all of her hard work.
 - Board Chair Reilly added that CALJ Covey has been instrumental in the success of the UIAB.
- Member Randall Douglas moved to accept the report into the record. Member June O'Neill, seconded. The report was unanimously accepted into the record.
- **Principal ALJ Report - Christopher Tate**
 - Principal ALJ Tate discussed four cases affirmed by the Court:
 - *Matter of McBride*, 208 AD3d 1528
 - *Matter of Chin*, 2022 N.Y.App.Div. LEXIS 6988
 - *Matter of Gisser*, 2022 N.Y.App.Div. LEXIS 7021
 - *Matter of Khaychuk*, 2022 N.Y.App.Div. LEXIS 7025
 - Chair Reilly asked for questions
 - Chair Reilly thanked PALJ Tate for the excellence that he has shown in his work in the Higher Authority. She added that the cases he chose to share in his report demonstrate that the Board is on the cutting edge of employment in our current times.
 - Motion to adopt the report and incorporate into the record was made by Member Marilyn O'Mara. Member June O'Neill seconded the motion which was unanimously adopted.
- **Other**
 - Chair Reilly asked for new business and hearing none asked for a motion to adjourn

- **Adjourn**

- Member Randall Douglas moved to adjourn the meeting and Member Michael Greason seconded the motion. The motion to adjourn was unanimously adopted. The meeting was adjourned at 11:25 a.m.

Adopted on April 19, 2023